A/HRC/37/L.10

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United Nations A/HRC/37/L.10

General Assembly

Distr.: Limited
16 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Afghanistan, Albania,* Angola, Austria,* Azerbaijan,* Belgium, Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Brazil, Bulgaria,* Cameroon,* Chile, Croatia, Cyprus,* Czechia,* Denmark,* Ecuador, Eritrea,* Estonia,* Finland,* France,* Georgia, Germany, Ghana,* Greece,* Haiti,* Honduras,* Hungary, Iceland,* Ireland,* Israel,* Italy,* Kenya, Latvia,* Liechtenstein,* Lithuania,* Maldives,* Malta,* Mexico, Monaco,* Mongolia, Montenegro,* Netherlands,* Paraguay,* Peru, Philippines, Poland,* Portugal,* Republic of Moldova,* Russian Federation,* San Marino,* Slovakia, Slovenia, Spain, Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* Tunisia, Ukraine, United States of America, Uruguay,* State of Palestine:* draft resolution

37/... The right to privacy in the digital age

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights and relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the right to privacy in the digital age,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that all mandate holders shall discharge their duties in accordance with those resolutions and the annexes thereto,

1. *Decides* to extend the mandate of the Special Rapporteur on the right to privacy for a period of three years under the same terms as provided for by the Human Rights Council in its resolution 28/16 of 26 March 2015;

* State not a member of the Human Rights Council.

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2. *Calls upon* all States to cooperate fully with and to assist the Special Rapporteur in the performance of the mandate, including by providing all necessary information requested by him or her, to respond promptly to his or her urgent appeals and other communications, to consider favourably the mandate holder's requests to visit their countries and to consider implementing the recommendations made by the mandate holder in his or her reports;

3. *Encourages* all relevant stakeholders, including the United Nations and its agencies, programmes and funds, regional human rights mechanisms, national human rights institutions, civil society and the private sector to cooperate fully with the Special Rapporteur to enable the mandate holder to fulfil the mandate;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Special Rapporteur with all the human and financial resources necessary for the effective fulfilment of the mandate;

5. *Decides* to continue its consideration of the matter under the same agenda item.

United Nations A/HRC/37/L.11

General Assembly

Distr.: Limited
15 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belarus,* China, Cuba, Russian Federation,* Syrian Arab Republic,* Venezuela (Bolivarian Republic of): draft resolution

37/... Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012, 25/4 of 27 March 2014 and 31/2 of 23 March 2016, and previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Underlining that all States must ensure that their obligations and commitments under international law, including international and regional human rights instruments to

* State not a member of the Human Rights Council.

which they are party, are applied to any person kept in detention facilities under their jurisdiction, including when those facilities are situated abroad,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

1. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

2. *Notes with concern* certain practices that are applied to persons in detention in violation of human rights and the rule of law, such as detention without a legal basis, contrary to the principle of habeas corpus, the deprivation of due process of law, of access to legal counsel and/or of an opportunity to challenge the legality of their detention before a court that is a part of the general judicial system, and calls upon States to respect judicial guarantees as provided for in international law, including international human rights law and humanitarian law, as applicable;

3. *Reiterates* that, as provided for in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

4. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

5. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

6. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

7. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

8. *Stresses* that no one shall be held in secret detention, and urges States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by courts and tribunals that are an integral part of the general judicial system, acting in compliance with international due process and fair trial standards;

9. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

10. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

11. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

12. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system, operate in accordance with applicable fair trial guarantees, and apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

13. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

14. *Also stresses* that independent and effective national human rights institutions can and should play a role in strengthening the rule of law and in supporting the independence and integrity of the judicial system;

15. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, special procedures, treaty bodies, non-governmental organizations and other relevant stakeholders, to prepare and submit to the Human Rights Council at its forty-third session a comprehensive study on the implications of the lack of integrity of the judicial system for human rights, in particular for persons kept in detention facilities outside the territory of States;

16. *Also requests* the High Commissioner to convene, prior to the forty=first session of the Human Rights Council, a half-day expert seminar with the participation of the Special Rapporteur on the independence of judges and lawyers, the chairs-rapporteurs of the Working Group on Enforced or Involuntary Disappearances and the Working Group on Arbitrary Detention, other special procedures, treaty bodies, Member States, regional human rights mechanisms, as well as of non-governmental organizations and national human rights institutions, for an exchange of views on the same topic, and to prepare a summary of the discussion, which will constitute the basis of the aforementioned study;

17. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

18. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

United Nations A/HRC/37/L.11/Rev.1

General Assembly

Distr.: Limited
20 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belarus,* China, Cuba, Ethiopia, Russian Federation,* Syrian Arab Republic,* United Arab Emirates, Venezuela (Bolivarian Republic of): draft resolution

37/... Integrity of the judicial system

The Human Rights Council,

Guided by articles 5, 6, 7, 8, 10 and 11 of the Universal Declaration of Human Rights and articles 2, 4, 6, 7, 10, 14, 15, 16 and 26 of the International Covenant on Civil and Political Rights, and bearing in mind the Vienna Declaration and Programme of Action,

Recalling the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance,

Recalling also other important documents on the issue of the integrity of the judiciary endorsed by various forums of the United Nations, in particular the Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, the Guidelines on the Role of Prosecutors, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the Standard Minimum Rules for the Treatment of Prisoners, the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the Safeguards guaranteeing protection of the rights of those facing the death penalty, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the Bangalore Principles of Judicial Conduct,

Recalling further its resolutions 19/31 of 23 March 2012, 25/4 of 27 March 2014 and 31/2 of 23 March 2016, and previous relevant resolutions of the Commission on Human Rights,

Stressing that most of the provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment are not territorially limited and cannot be read as restricting or limiting States' obligations to respect the rights of all persons, anywhere in the world, to be free from torture and ill-treatment,

Underlining that all States must ensure that their obligations and commitments under international law, including international and regional human rights instruments to

* State not a member of the Human Rights Council.

which they are party, are applied to any person kept in detention facilities under their jurisdiction, including when those facilities are situated abroad,

Convinced that the integrity of the judicial system, together with its independence and impartiality, is an essential prerequisite for the protection of human rights and fundamental freedoms, for upholding the rule of law and democracy and ensuring that there is no discrimination in the administration of justice,

Noting with concern that the lack of and discrimination in access to justice can cause grave violations of the human rights of those deprived of such access,

1. *Reaffirms* the right of everyone to recognition everywhere as a person before the law;

2. *Notes with concern* certain practices that are applied to persons in detention in violation of human rights and the rule of law, such as detention without a legal basis, contrary to the principle of habeas corpus, the deprivation of due process of law, of access to legal counsel and/or of an opportunity to challenge the legality of their detention before a court that is a part of the general judicial system, and calls upon States to respect judicial guarantees as provided for in international law, including international human rights law and humanitarian law, as applicable;

3. *Reiterates* that, as provided for in article 14 of the International Covenant on Civil and Political Rights, every person is entitled, in full equality, to a fair and public hearing by a competent, independent and impartial tribunal established by law in the determination of his or her rights and obligations and of any criminal charge against him or her, and that he or she is entitled to the presumption of innocence until proved guilty according to law;

4. *Notes* that, according to paragraph 5 of the Basic Principles on the Independence of the Judiciary, everyone has the right to be tried by ordinary courts or tribunals using established legal procedures, and that tribunals that do not use duly established procedures of the legal process shall not be created to displace the jurisdiction belonging to the ordinary courts or judicial tribunals;

5. *Underlines* that any court trying a person charged with a criminal offence should be competent, independent and impartial;

6. *Urges* States to guarantee that all persons brought to trial before courts or tribunals under their authority have the right to be tried in their presence, to defend themselves in person or through legal assistance of their own choosing and to have all the guarantees necessary for their legal defence;

7. *Calls upon* States to ensure that the principles of equality before the courts and before the law are respected within their judicial systems by, inter alia, providing to those being tried the possibility to examine, or to have examined, the witnesses against them and to obtain the attendance and examination of witnesses on their behalf under the same conditions as witnesses against them;

8. *Stresses* that no one shall be held in secret detention, and urges States concerned to close down promptly all secret detention facilities under their jurisdiction or control situated on their territories or abroad, and to ensure that all persons held in detention under their authority are provided with access to justice by courts and tribunals that are an integral part of the general judicial system, acting in compliance with international due process and fair trial standards;

9. *Calls upon* States to investigate promptly and impartially all alleged cases of extraordinary renditions, secret detention, torture and practices tantamount to torture or other cruel, inhuman or degrading treatment, including under the pretext of countering terrorism, and to hold accountable everyone implicated, including at the highest level of authority, in ordering or executing those activities;

10. *Also calls upon* States to provide access to an effective remedy to all those who have been subject to prolonged arbitrary arrest and/or physical and mental suffering owing to lack of access to the general judicial system;

11. *Reaffirms* that every convicted person should have the right to have his or her conviction and sentence reviewed by a tribunal of competent, independent and impartial jurisdiction according to law;

12. *Calls upon* States that have military courts or special tribunals for trying criminal offenders to ensure that such bodies are an integral part of the general judicial system, operate in accordance with applicable fair trial guarantees, and apply procedures that are recognized according to international law as guarantees of a fair trial, including the right to appeal a conviction and a sentence;

13. *Stresses* the importance of developing cooperation between national judicial systems with a view to, inter alia, strengthening the protection of persons deprived of their liberty;

14. *Also stresses* that independent and effective national human rights institutions can and should play a role in strengthening the rule of law and in supporting the independence and integrity of the judicial system;

15. *Requests* the United Nations High Commissioner for Human Rights, in consultation with States, relevant United Nations agencies, special procedures, treaty bodies, non-governmental organizations and other relevant stakeholders, to prepare and submit to the Human Rights Council at its forty-third session a comprehensive study on the implications of the lack of integrity of the judicial system for human rights, in particular for persons kept in detention facilities outside the territory of States;

16. *Invites* the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, the Working Group on Arbitrary Detention and the Working Group on Enforced or Involuntary Disappearances to take full account of the present resolution in the discharge of their mandates;

17. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

United Nations A/HRC/37/L.12

General Assembly

Distr.: Limited
16 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Albania,* Andorra,* Angola, Austria,* Belgium, Bolivia (Plurinational State of),* Bosnia and Herzegovina,* Brazil, Chile, Croatia, Cyprus,* Denmark,* Ecuador, Estonia,* Finland,* France,* Georgia, Germany, Haiti,* Honduras,* Iceland,* Latvia,* Lithuania,* Luxembourg,* Mexico, Montenegro,* Namibia,* Netherlands,* Paraguay,* Peru, Philippines, Poland*, Portugal,* Romania,* Slovakia, Spain, Sweden,* Thailand,* the former Yugoslav Republic of Macedonia,* Turkey,* Ukraine, Uruguay:* draft resolution

37/... Adequate housing as a component of the right to an adequate standard of living, and the right to non-discrimination in this context

The Human Rights Council,

Guided by the Charter of the United Nations,

Recalling the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities,

Recalling also all previous resolutions of the Human Rights Council and those adopted by the Commission on Human Rights on the issue of the right to adequate housing as a component of the right to an adequate standard of living, including Council resolutions 31/9 of 23 March 2016 and 34/9 of 23 March 2017,

Recalling further General Assembly resolution 70/1 of 25 September 2015 entitled "Transforming our world: the 2030 Agenda for Sustainable Development", in which the Assembly adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets, inter alia, the importance of making cities and human settlements inclusive, safe, resilient and sustainable,

Recalling all previous resolutions adopted by the Commission on Human Rights on the issue of women's equal rights to ownership of, access to and control over land and the

* State not a member of the Human Rights Council.

equal rights to own and inherit property and to adequate housing, including resolution 2005/25 of 15 April 2005 on women's equal ownership, access to and control over land and the equal rights to own property and to adequate housing, and emphasizing the need, in ensuring housing affordability, to develop strategies that take into account women's economic conditions and status, including as a result of gender wage gaps,

Reaffirming the principles and commitments with regard to adequate housing enshrined in the relevant provisions of declarations and programmes adopted by major United Nations conferences and summits and at special sessions of the General Assembly and their follow-up meetings, inter alia, the New Urban Agenda, adopted at the United Nations Conference on Housing and Sustainable Urban Development (Habitat III),

Recalling that States have the primary responsibility to ensure the full realization of all human rights and to endeavour to take steps, individually and through international assistance and cooperation, especially economic and technical, to the maximum of their available resources, with a view to progressively achieving the full realization of the right to adequate housing as a component of the right to an adequate standard of living by all appropriate means, including the adoption of legislative measures,

Emphasizing that the adverse effects of climate change have a range of implications, both direct and indirect, for the effective enjoyment of human rights, inter alia, the right to adequate housing as a component of the right to an adequate standard of living, and welcoming the adoption and nearly universal ratification of the Paris Agreement under the United Nations Framework Convention on Climate Change, and calling upon States to continue its implementation, as applicable,

Expressing deep concern at the number and scale of natural disasters, and their negative impact on the right to adequate housing, and in this regard affirming the need for the continued implementation of the Sendai Framework for Disaster Risk Reduction 2015-2030,

Noting with appreciation the work of the treaty bodies, in particular the Committee on Economic, Social and Cultural Rights, in the promotion of the rights relating to adequate housing as a component of the right to an adequate standard of living, including all its relevant general comments and, for States parties to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the examination of individual communications,

Recalling the guiding principles on security of tenure for the urban poor, as laid out in the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context,[1]

Concerned that the right to adequate housing is not realized for many throughout the world, and that millions continue to live in substandard housing and millions more are homeless or at immediate risk of homelessness, and recognizing that this situation should be addressed by urgent and immediate measures by States, in accordance with existing international human rights commitments and obligations and with the support, where necessary, of the international community,

Deeply concerned that inadequate housing, homelessness and forced eviction disproportionately affect women, children and persons with disabilities, and other persons who are marginalized and most vulnerable, each in different ways but with common structural causes, and that homelessness and tenure insecurity per se might result in discrimination, criminalization and further exclusion, particularly social and economic exclusion,

Reaffirming that everyone is entitled to the right to adequate housing as a component of the right to an adequate standard of living without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

[1] A/HRC/25/54.

Emphasizing the importance of housing to dignity and equal rights for persons with disabilities, who often face widespread and severe forms of discrimination in virtually all aspects of housing, from the inaccessible design of buildings to barriers to finance or discriminatory tenant selection and various forms of stigmatization, and acknowledging in particular that persons with disabilities are at a higher risk of violence within and outside of their homes simply because of their disability,

Recognizing that security of tenure enhances the enjoyment of the right to adequate housing and is significant to the enjoyment of many other economic, social, cultural, civil and political rights, and that all persons should possess a degree of security of tenure that guarantees legal protection against forced eviction, harassment and other threats,

Deeply concerned that investment in housing has often become primarily a financial instrument solely and exclusively focused on seeking high returns, disconnecting it from its social function as a place to live in security and dignity,

1. *Welcomes* the work of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context, including the undertaking of country missions, and takes note of her reports;

2. *Calls upon* States:

(a) To implement the 2030 Agenda for Sustainable Development, including target 11.1, and in this context urges States to adopt, in consultation with relevant stakeholders, including civil society, national human rights institutions and the private sector, inclusive and cross-sectoral strategies that respect, protect and fulfil the human rights of all, and to ensure that these strategies outline clear responsibilities at all levels of government, contain measurable goals, targets and timelines, and include appropriate mechanisms for regular monitoring and review, with particular emphasis on the needs of persons who are marginalized and most vulnerable;

(b) To give due consideration to integrating the human right to adequate housing as a component of the right to an adequate standard of living in the implementation of the New Urban Agenda;

(c) To take positive measures with a view to prevent and eliminate homelessness by adopting and implementing cross-sectoral strategies that are gender-, age- and disability-responsive and based on international human rights law;

(d) To take measures necessary to curb factors which result in a lack of affordable housing, such as housing speculation and the "financialization of housing",[2] and to ensure an effective remedy and the right to access to justice for all for violations in the context of the realization of the right to adequate housing as a component of the right to an adequate standard of living, including measures necessary to ensure that women and persons at risk have equal access to justice;

(e) To ensure that the principles of equality and non-discrimination are respected when fulfilling the right to adequate housing, and in this respect to take measures to the maximum of available resources to address systemic homelessness and deprivation of housing, which disproportionately affects persons with disabilities, and to strive towards the full realization of the right to adequate housing for all, including for persons with disabilities;

(f) To take necessary steps to ensure women's equal right to adequate housing in all aspects of housing strategies by, inter alia, addressing women's distinct housing experiences, including discrimination, violence against women and the disproportionate impact on women of forced evictions, inadequate water and sanitation services and pervasive poverty, and by undertaking legislative and other reforms to realize the equal rights of women and men, as well as girls and boys where applicable, to access economic

[2] See A/HRC/34/51.

and productive resources, including land and natural resources, and property and inheritance rights;

3. *Requests* the Special Rapporteur, in fulfilling her mandate, to participate in relevant international dialogues and policy forums relating to the implementation of the 2030 Agenda for Sustainable Development, particularly the implementation of Goals 1 and 11, and the New Urban Agenda, taking into account the need for an integrated approach to the implementation of the 2030 Agenda for sustainable development, and to undertake thematic research with a view to advise States, intergovernmental organizations, civil society and other stakeholders on how to effectively respect, protect and fulfil the right to adequate housing, and non-discrimination in this context;

4. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide all the assistance necessary to the Special Rapporteur for the effective fulfilment of her mandate;

5. *Notes with appreciation* the cooperation extended to date to the Special Rapporteur by different actors, and calls upon States:

(a) To continue to cooperate with the Special Rapporteur in the discharge of her mandate and to respond favourably to her requests for information and visits;

(b) To enter into a constructive dialogue with the Special Rapporteur with respect to the follow-up to and implementation of her recommendations;

6. *Decides* to continue its consideration of this matter under the same agenda item.

United Nations A/HRC/37/L.13

General Assembly

Distr.: Limited
16 March 2018

Original: English

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Belgium, Bulgaria,* Chile, Cyprus,* France,* Germany, Greece,* Haiti,* Ireland,* Israel,* Italy,* Luxembourg,* Netherlands,* Poland,* Portugal,* Sierra Leone,* Slovakia, Slovenia, Togo,† Turkey,* United Kingdom of Great Britain and Northern Ireland: draft resolution

37/... Mandate of the Independent Expert on the enjoyment of human rights by persons with albinism

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, and recalling relevant international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

Reaffirming that everyone has the right to life, liberty and security of person and that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment,

Recalling the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with albinism to be guaranteed the full enjoyment of their rights and freedoms without discrimination,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on a Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

Reaffirming the Vienna Declaration and Programme of Action,

* State not a member of the Human Rights Council.

† On behalf of the States Members of the United Nations that are members of the Group of African States.

Recalling the rights of everyone to the highest attainable standard of physical and mental health and education as enshrined in the International Covenant on Economic, Social and Cultural Rights and other relevant international human rights treaties,

Deeply concerned that in various parts of the world, persons with albinism continue to face barriers to their participation as equal members of society and face violations and abuse of their human rights, and conscious that greater and more urgent attention is needed to address these challenges,

Expressing grave concern at the fact that attacks and widespread violence perpetuated against persons with albinism, including women and children, persons with disabilities and the elderly continue,

Welcoming all the initiatives and actions taken by all Member States to address and combat all forms of violence and discrimination against persons with albinism,

Welcoming also in this regard the ongoing work to address witchcraft-related harmful practices as one of the root causes of human rights violations and abuses perpetuated against persons with albinism, and to engage with stakeholders and carry out analytical studies in order to enable States to take effective action,

Inviting States to effectively implement the 2030 Agenda for Sustainable Development and its principle of leaving no one behind, which requires the prioritization of the furthest behind, including the enjoyment of all human rights by persons with albinism,

Calling upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into attacks against persons with albinism falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims and family members have access to appropriate remedies,

Welcoming the regional consultations conducted by the Independent Expert with relevant stakeholders in various regions, including Africa, and culminating in the development of a regional action plan to end violations against persons with albinism,

Welcoming also the recent work of the Independent Expert in preparing analytical studies and holding discussions on harmful practices relating to witchcraft as a particular risk to persons with albinism in some countries and as one of the root causes of attacks perpetrated against them,

Recalling all previous resolutions adopted by the General Assembly and the Human Rights Council on the enjoyment of human rights by persons with albinism,

1. *Commends* the Independent Expert on the enjoyment of human rights by persons with albinism on the important work undertaken to end attacks on and to spread awareness about persons with albinism;

2. *Takes note with appreciation* of the thematic report of the Independent Expert on the enjoyment of human rights by persons with albinism, which deals, in particular, with attacks and human rights violations in countries where certain harmful practices, including witchcraft-related practices, have served as one of the root causes of attacks, and in this regard welcomes the Regional Action Plan on Albinism in Africa (2017-2021) to end attacks in Africa;

3. *Decides* to extend the mandate of the Independent Expert on the enjoyment of human rights by persons with albinism, for a period of three years, on the same terms as provided by the Human Rights Council in its resolution 28/6 of 26 March 2015;

4. *Requests* the Independent Expert to integrate a gender perspective throughout the work of the mandate and to pay specific attention to the challenges and needs of women and girls in order to address the multiple, intersecting and aggravated forms of discrimination faced by women and girls with albinism;

5. *Calls upon* all States to cooperate fully with the Independent Expert and to respond favourably to her requests to visit their countries and to ensure follow up on her recommendations, to provide her with all necessary information relating to the mandate and

to react promptly to her communications and urgent appeals in order to enable her to fulfil the mandate effectively;

6. *Encourages* the United Nations, including its specialized agencies, and regional organizations, national human rights institutions, independent experts, non-governmental organizations, the private sector, in particular social enterprises, and other relevant stakeholders, to cooperate to the fullest extent possible with the Independent Expert in the fulfilment of her mandate;

7. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Independent Expert with all the human and financial resources necessary for the effective fulfilment of her mandate;

8. *Decides* to continue consideration of this issue in accordance with its annual programme of work.

United Nations A/HRC/37/L.14

General Assembly

Distr.: Limited
16 March 2018
English
Original: French

Human Rights Council
Thirty-seventh session
26 February–23 March 2018
Agenda item 10
Technical assistance and capacity-building

Austria,* Belgium, Bulgaria,* Canada,* Cyprus,* Denmark,* France,* Georgia, Germany, Italy,* Latvia,* Luxembourg,* Malta,* Netherlands,* Poland,* Romania,* Spain, Sweden,* Togo,† United Kingdom of Great Britain and Northern Ireland: draft resolution

37/... Technical assistance and capacity-building for Mali in the field of human rights

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Reaffirming the Universal Declaration of Human Rights and other relevant international human rights instruments,

Recalling General Assembly resolution 60/251 of 15 March 2006,

Recalling also its resolutions 5/1, on institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, both of 18 June 2007,

Recalling further its resolutions 20/17 of 6 July 2012, on the situation of human rights in Mali, 22/18 of 21 March 2013, in which it established the mandate of the Independent Expert on the situation of human rights in Mali, and 25/36 of 28 March 2014, 31/28 of 24 March 2016 and 34/39 of 24 March 2017, by which it extended the mandate of the Independent Expert,

Reaffirming that all States have a responsibility to promote, protect and fulfil the human rights and fundamental freedoms enshrined in the Charter, the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant international human rights instruments to which they are party,

Reaffirming also its commitment to the sovereignty, independence, unity and territorial integrity of Mali,

Deeply concerned about the deterioration of the security situation and the increase in attacks by terrorist groups in the north and their spread to central and southern Mali, and the rise of violent extremism, the proliferation of small arms, drug trafficking, migrant smuggling, the traffic in persons and other transnational organized criminal activities,

* State not a member of the Human Rights Council.
† On behalf of the States Members of the United Nations that are members of the Group of African States.

Deeply concerned also about continued human rights violations and breaches, including abuses, the slow progress in the implementation of some relevant provisions of the Agreement on Peace and Reconciliation in Mali and the difficulties in the redeployment of government services and the access of the population to basic social services,

Remaining concerned over the food and humanitarian crisis faced by the populations affected by the conflict and by the insecurity which hinders humanitarian access, and condemning the attacks against humanitarian personnel,

Noting with satisfaction the fact that the Government of Mali and the signatory groups have renewed their commitment to expeditiously fulfil their obligations under the Agreement on Peace and Reconciliation in Mali, in particular the adoption of a calendar of priority actions, and the progress represented by the appointment of interim authorities, and stressing that much progress remains to be made towards the full implementation of the Agreement, in particular the effective implementation of decentralization, transitional justice, the disarmament, demobilization and reintegration process, justice sector reform and security sector reform,

Welcoming Security Council resolution 2374 (2017) of 5 September 2017, which establishes a regime of targeted sanctions against in particular those who obstruct the implementation of the Agreement on Peace and Reconciliation in Mali and those who plan, direct or conduct human rights violations or abuses or violations of international humanitarian law, including acts targeting the civilian population, including women and children,

Noting the commitment made by the Government of Mali at a number of sessions of the Council to place priority on dialogue and national reconciliation in resolving the crisis,

Noting also the commitment made by the Government of Mali to restore the rule of law and to combat impunity effectively,

Welcoming the cooperation of the Malian authorities with international human rights mechanisms, notably the planning of two visits to Mali by thematic special procedures mandate holders of the Human Rights Council in 2018,

Noting the holding of the third universal periodic review of Mali in January 2018 and encouraging the Government of Mali to take the necessary measures for the implementation of the recommendations that it accepts,

Taking note of the latest report of the Secretary-General on the situation in Mali,[1] in which he expresses concern about the lack of involvement of women in the peace process and reiterates that they should be included in all decision-making structures relating to the peace process, and emphasizing the important role of women in prevention and resolution of conflicts and in peacebuilding,

Taking note also of the joint report of the United Nations Multidimensional Integrated Stabilization Mission in Mali and the Office of the United Nations High Commissioner for Human Rights on human rights and the peace process in Mali, published in February 2018, which finds that more than 600 cases of human rights violations and abuses were committed between January 2016 and June 2017, involving more than 2,700 victims, and which demonstrates that respect for human rights can create an environment that is conducive to the implementation of the Peace Agreement, and underscoring the importance of the human rights reports prepared by the United Nations Multidimensional Integrated Stabilization Mission in Mali in fulfilment of one of the components of its mandate for the promotion and protection of human rights,

Taking note with appreciation of the report of the Independent Expert on the situation of human rights in Mali,[2]

Noting the account taken by the G5 Sahel joint force of the human rights due diligence policy on United Nations support to non-United Nations security forces,

[1] S/2017/1105.
[2] A/HRC/37/78.

Noting also the establishment of the framework for ensuring the compliance of the joint force operations with human rights and international humanitarian law,

1. *Strongly condemns* the violations and abuses of human rights and the violations of international humanitarian law, including those involving the recruitment and use of children as soldiers and the violations of their rights, and the violations and abuses of women's rights that have been perpetrated in Mali since the beginning of the crisis, and all the terrorist attacks, including the fatal attacks committed in 2018 against itinerant traders;

2. *Also strongly condemns* the attacks, including terrorist attacks against civilians, the Malian defence and security forces, the United Nations Multidimensional Integrated Stabilization Mission in Mali and the French forces, underlines the importance of bringing perpetrators, sponsors, organizers and financiers of these acts to justice, and urges the Government of Mali to ensure that those responsible for these acts are prosecuted;

3. *Reiterates* its call for an immediate halt to all human rights violations, breaches and abuses, and for the strict observance of all human rights and fundamental freedoms;

4. *Calls upon* all parties to facilitate full, safe, and unhindered access for the timely delivery of aid to all persons in need across Mali, and to ensure the safety and protection of civilians receiving assistance and of humanitarian personnel operating in Mali;

5. *Calls upon* the Government of Mali to continue and to intensify its efforts to protect, respect and fulfil human rights and to promote national reconciliation, in particular by strengthening the judiciary, developing transitional justice mechanisms and effectively redeploying government services throughout the country;

6. *Calls upon* all signatories of the Agreement on Peace and Reconciliation in Mali to implement all its provisions, in line with their renewed commitments made at the last meeting of the Agreement Monitoring Committee held on 15 and 16 January 2018, including those relating to the disarmament, demobilization and reintegration of former rebel fighters, the redeployment of Malian armed forces throughout the territory and decentralization, the fight against impunity, the functioning of the interim administrations in the north and the participation of women, and welcomes the involvement of the Carter Center as an independent observer of the Peace Agreement;

7. *Encourages* the Malian authorities to put in place all necessary measures to prevent and put an end to the unlawful recruitment and use of children as soldiers, and to implement sustainable reintegration and rehabilitation programmes, including by taking into account the gender perspective;

8. *Notes with appreciation* the initiation in January 2013 of an investigation by the Prosecutor of the International Criminal Court into crimes committed on the territory of Mali since January 2012, notes that on 27 September 2016 the Court found an individual guilty of intentionally directing attacks against buildings of a religious and historical character in Timbuktu, and recalls that it is important for all Malian stakeholders to lend the Court their support and cooperation;

9. *Supports*, in this regard, the efforts of the Government of Mali to bring all perpetrators of violations and abuses of human rights and international humanitarian law before impartial and independent courts, urges it to intensify those efforts and encourages it to continue its cooperation with the International Criminal Court;

10. *Welcomes* the establishment by the Secretary-General of the International Commission of Inquiry provided for by the Agreement on Peace and Reconciliation in Mali to investigate the grave violations of human rights and international humanitarian law committed in Mali since January 2012, and encourages the United Nations Secretariat to provide the Commission with the necessary means to carry out its mandate;

11. *Calls upon* the Government of Mali to ensure that women participate more fully in the national reconciliation process and in all decision-making structures relating to the peace process, in conformity with relevant Security Council resolutions and the law establishing a 30 per cent quota for women in national institutions that was adopted by the

Government in December, and to heighten the political empowerment of women at all levels;

12. *Supports* the measures taken by the Government to transfer pupils from some insecure localities in the northern and central regions to other schools and to organize special assessments for them;

13. *Welcomes* the establishment by the Malian authorities of a ministerial department dedicated exclusively to the promotion and protection of human rights, commends the progress achieved by the Justice, Truth and Reconciliation Commission, which has made it possible to collect more than 7,000 statements from victims in several regions of Mali, and encourages the Malian authorities to ensure that the Commission has the independence and means needed to fulfil its mandate to support the victims of the crises in Mali;

14. *Encourages* the Malian authorities and all regional and international actors to continue their efforts to consolidate the progress made towards attaining peace and security in Mali;

15. *Commends* the work of the United Nations Multidimensional Integrated Stabilization Mission in Mali to support the efforts of the Government of Mali to restore State authority and the rule of law in the country, and deplores the loss of life suffered by it;

16. *Emphasizes* that the efforts of the G5 Sahel joint force to counter the activities of terrorist groups and other organized criminal groups will help to create a more secure environment and at last to establish the conditions required to improve the human rights situation in Mali, and emphasizes the need to operationalize the human rights protection and accountability mechanisms;

17. *Requests* all parties to respect human rights and to ensure their strict observance of international human rights law and international humanitarian law, in particular in the course of counter-terrorism operations;

18. *Reiterates* its appreciation for the humanitarian assistance already provided to members of the population affected by the crisis, and urges the international community to continue to deliver, in consultation with the Government of Mali and the neighbouring countries concerned, appropriate and secure humanitarian assistance to refugees and displaced persons, particularly in the north of Mali, with a view to facilitating access by the population to basic social services and to establishing conditions conducive to the gradual recovery of the country;

19. *Welcomes* the formulation of the Specific Development Strategy for the Northern Regions of Mali, urges the Government to pursue its development work through the implementation of the Emergency Programme for the Revival of Development in the North and the Reconstruction and Economic Recovery Programme, and also urges the Government to accelerate the return of the administration and basic services in the centre and north of the country and to work towards establishing an acceptable level of security;

20. *Requests* friendly countries and partner organizations that have pledged contributions at conferences on the development of Mali to honour those pledges in order to assist the Government to expedite the effective and comprehensive implementation of the Agreement on Peace and Reconciliation in Mali;

21. *Reaffirms* the need to proceed swiftly with the electoral process and welcomes the arrangements for holding, within the time frame set by the Constitution, fair, free, transparent and inclusive elections in 2018 that guarantee freedom of expression and the will of the people;

22. *Welcomes* the close cooperation of the Government of Mali with the Independent Expert on the situation of human rights in Mali in the fulfilment of the mandate entrusted to him;

23. *Notes with satisfaction* that the Government of Mali has undertaken to act upon the recommendations made by the Independent Expert following his visits to Mali;

24. *Decides* to extend the mandate of the Independent Expert on the situation of human rights in Mali for a period of one year in order to permit him to evaluate the situation of human rights in Mali and to assist the Government of Mali in its efforts to promote, protect and fulfil human rights and to strengthen the rule of law;

25. *Calls upon* all parties in Mali to cooperate fully with the Independent Expert and to assist him in carrying out his mandate;

26. *Requests* the Independent Expert, within the framework of his mandate, to work closely with all entities of the United Nations, the African Union, the Economic Community of West African States, neighbouring States and all other international organizations concerned, and with Malian civil society;

27. *Also requests* the Independent Expert to submit a report to the Human Rights Council at its fortieth session;

28. *Decides* to hold a dialogue at its fortieth session, in the presence of the Independent Expert and representatives of the Government of Mali, to assess the evolution of the situation of human rights in the country, with a particular focus on the fight against impunity;

29. *Invites* the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Independent Expert with all the assistance he needs to discharge his mandate fully;

30. *Requests* the High Commissioner to continue to provide the technical assistance requested by the Government of Mali in order to strengthen the capacity of the National Human Rights Commission of Mali, and encourages the Malian authorities to bring the Commission into conformity with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles) and to provide it with the necessary means to carry out its work independently;

31. *Urges* the international community to continue to provide assistance to Mali in order to ensure its stability with a view to promoting respect for all human rights and to carrying out a determined effort to combat impunity, which will pave the way for national reconciliation, peace and social cohesion;

32. *Decides* to remain seized of this matter.